

EXHIBIT D

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/040,190	01/21/2005	James Samuel Rosen	P201757.US.1 - 486766-4	8275
183634	7590	07/17/2023	EXAMINER	
ACKnowledge IP P.C. 6800 Jericho Turnpike Suite 120W Syosset, NY 11791			BONSHOCK, DENNIS G	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Commissioner for Patents
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In re Patent No. 7,975,241 :
Issue Date: 5 Jul 2011 :
Application No. 11/040,190 :
Filing or 371(c) Date: 21 Jan : DECISION ON PETITION
2005 :
Attorney Docket No. :
P201757.US.1 - 486766-4 :

This is a decision on the petition received on June 20, 2023, which is being treated as a renewed petition pursuant to 37 C.F.R. § 1.78(e) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to one nonprovisional application and a renewed petition pursuant to 37 C.F.R. § 1.378(b) to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The renewed petition pursuant to 37 C.F.R. § 1.78(e) is **DISMISSED**.

The renewed petition pursuant to 37 C.F.R. § 1.378(b) is **GRANTED**.

The application from which this patent issued matured into U.S. patent number 7,975,241 on July 5, 2011. The grace period for paying the 7½-year maintenance fee provided in 37 C.F.R. § 1.362(e) expired at midnight on July 6, 2019, with no payment received. Accordingly, the patent expired on July 6, 2019 at midnight.

A petition for acceptance of a claim for delayed priority under 37 C.F.R. § 1.78(e) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. 1.78(d)(3)(ii). In addition, the petition under 37 C.F.R. 1.78(e) must be accompanied by:

- (1) the reference required by 35 U.S.C. 120 and paragraph 37

- C.F.R. § 1.78(d)(2) to the prior-filed application, unless previously submitted;
- (2) the petition fee set forth in 37 C.F.R. § 1.17(m); and,
 - (3) a statement that the entire delay between the date the benefit claim was due under paragraph (d)(3) of this section and the date the benefit claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

An initial petition pursuant to 37 C.F.R. § 1.78(e) was received on March 24, 2023 along with the petition fee, a statement of unintentional delay, and the fee that is associated with the filing of a request for a certificate of correction, which was dismissed via the mailing of a decision on April 20, 2023 which indicates that Office records do not support a finding that a corrected/updated ADS, an amendment to the specification, or a request for a certificate of correction were received.

To date, requirement (2) of 37 C.F.R. § 1.78(e) has been satisfied and the first and third requirements have not. With this renewed petition received on June 20, 2023, a corrected/updated ADS, an amendment to the specification, a request for a certificate of correction, and an explanation concerning the extended period of delay have not been received, and the first and third requirements remain unsatisfied. It follows this renewed petition is again dismissed.

A grantable petition pursuant to 37 C.F.R. § 1.378(b) must be accompanied by:

- (1) The required maintenance fee set forth in § 1.20(e) through (g);
- (2) The petition fee as set forth in § 1.17(m); and,
- (3) A statement that the delay in payment of the maintenance fee was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

An initial petition pursuant to 37 C.F.R. § 1.378(b) to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent was received on May 31, 2022 along with both the required 7½-year maintenance fee and the petition fee, and was dismissed via the mailing of a decision on October 20, 2022 which indicates requirements (1) and (2) of 37 C.F.R. § 1.378(b) have been satisfied.

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A renewed petition pursuant to 37 C.F.R. § 1.378(b) was received on December 1, 2022, and dismissed via the mailing of a decision on January 24, 2023.

A renewed petition pursuant to 37 C.F.R. § 1.378(b) was received on March 24, 2023, and dismissed via the mailing of a decision on April 20, 2023.

The USPTO has since determined that the record supports a finding that the extended period of delay has been unintentional. With the renewed petition pursuant to 37 C.F.R. § 1.378(b) received on December 1, 2022 Petitioner asserted, over his registration number, that declarant Pisaris-Henderson is an owner of Lexos Media IP, LLC and he is and was actively involved in the management of Lexos Media IP, LLC and has authority to act and speak on its behalf; that Lexos Media IP, LLC is the owner of this patent; that Lexos Media IP, LLC was aware of the need to submit the 3½-year maintenance fee but was unaware of the need to submit the 7½-year maintenance fee; and, in March of 2022 employees and/or owners first became aware that this patent had expired for failure to have timely submitted the 7½-year maintenance fee.

Petitioner has met each of the requirements of 37 C.F.R. § 1.378(b).

Accordingly, the 7½-year maintenance fee is hereby accepted.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.¹

/PAUL SHANOSKI/
Attorney Advisor, OPET

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.